**HON'BLE SRI JUSTICE V.V.S.RAO**

**WRIT PETITION No.4092 of 2007**

**Dated:01.03.2007**

Between:

Bojja Satyanarayana.

…Petitioner

and

The Commissioner of Endowments and another.

…Respondents

**HON'BLE SRI JUSTICE V.V.S.RAO**

**WRIT PETITION No.4092 of 2007**

**ORDER:**

The petitioner is running a Laundry shop in the property belonging to the second respondent-Temple allegedly under lease agreement granted in his favour. The lease expired on 17.09.2006. The petitioner approached the second respondent for extension of lease expressing his willingness for enhancement of rent by 30% over and above the existing rent of Rs.400/- per month. The second respondent, however, issued an auction notice dated 17.02.2007 proposing to auction the place i.e., place at Centre No.1, Dormitory Hall No.8 of Sri Lakshminarasimha Swamy Devasthanam, Yadagirigutta. Aggrieved by the same, the present Writ Petition is filed.

After hearing the learned Counsel for the petitioner and the learned Assistant Government Pleader for Endowments, this Court is convinced that the petitioner has no right that can be enforced in the Writ Petition nor there is a duty cast on the second respondent to extend the lease in favour of the petitioner accepting the proposal for enhancement. It cannot be denied that under Section 83 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, the lessee who is in possession of the Temple property after expiry of the lease is deemed to be an encroacher and he cannot have any right to seek

extension. Secondly, as rightly pointed out by the learned Assistant Government Pleader, as per the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Immovable Properties and other rights (other than Agricultural lands) Leases and Licenses Rules, 2003, the second respondent has no power or authority to extend the lease or to induct persons into lease without conducting auction as contemplated under the said Rules.

Therefore, this Writ Petition is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

01.03.2007
vs